

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

ABBOTT GMBH & CO., KG,)
ABBOTT BIORESEARCH CENTER, INC.)
AND ABBOTT BIOTECHNOLOGY LTD.,)
)
Plaintiffs,)
)
v.) Civil Action No. 4:09-cv-11340-FDS
)
CENTOCOR ORTHO BIOTECH, INC. AND)
CENTOCOR BIOLOGICS, LLC.,)
)
Defendants.)

)

**DECLARATION OF ROBERT J. GUNTHER, JR. IN SUPPORT OF
ABBOTT'S REPLY CLAIM CONSTRUCTION BRIEF**

I, Robert J. Gunther, Jr., declare as follows:

1. I am a partner at Wilmer Cutler Pickering Hale and Dorr LLP, 399 Park Avenue, New York, New York, and counsel for Plaintiffs in the above-captioned matter. I submit this declaration in support of Plaintiffs Abbott GmbH & Co., KG's, Abbott Bioresearch Center's, and Abbott Biotechnology Ltd.'s (collectively "Abbott's") Reply Claim Construction Brief.
2. Attached hereto as Exhibit 9 is a true and accurate copy of Supplemental Amendment submitted to the U.S. Patent Office and dated October 10, 2008.
3. Attached hereto as Exhibit 10 is a true and accurate copy of Centocor Clean Copy of Claims, submitted to the U.S. Patent Office and dated December 18, 2007.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 4, 2010 in New York, New York.

/s/ Robert J. Gunther, Jr.

Robert J. Gunther, Jr.

CERTIFICATE OF SERVICE

I certify that, on October 4, 2010, this document (filed through the ECF system) will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

/s/ Robert J. Gunther, Jr.